

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#18
AKD
12/20/02

In re Application of :

Beth A. BURNSIDE et al.

Group Art Unit: 1617

Serial No.: 09/807,462

Examiner: Alysia Berman

Filed: April 11, 2001

For: ORAL PULSED DOSE DRUG DELIVERY SYSTEM

**REQUEST FOR EXCUSE OF ERROR IN
SMALL ENTITY STATUS PAYMENTS UNDER 35 C.F.R. 1.28(c)**Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Previously, payments have been made in this application under a small entity status. The latter status was established in good faith and fees as a small entity were paid in good faith. However, this small entity status has been incorrect throughout the life of this application.

It is respectfully requested that this error be excused in view of the following compliance with the requirements of paragraphs (c)(1) and (c)(2) of the captioned section.

- (1) This paper is limited to the deficiency payments for the above-identified application.
- (2) The deficiencies owed for each previous fee erroneously paid in the small entity are calculated as follows:

fee Pd on 10/24/02

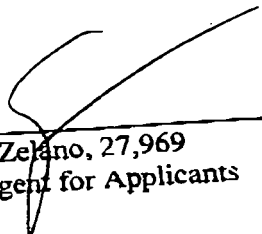
Date	Fee Type Paid	Half Fee Amount Paid	Current Full Amount	Difference Paid Herewith
April 11, 2001	PCT 492(a)(1)	\$ 345.00	\$710.00	\$ 365.00
April 11, 2001	Extra independent claim	\$ 40.00 (1 claim)	\$ 84.00	\$ 44.00
July 19, 2001	One month extension	\$ 55.00	\$ 110.00	\$ 55.00
July 19, 2001	Missing Parts	\$ 65.00	\$ 130.00	\$ 65.00
October 29, 2001	Terminal Disclaimer	\$ 55.00	\$ 110.00	\$ 55.00
October 29, 2001	Extra claims total (8 claims)	\$ 72.00	\$ 144.00	\$ 72.00
October 29, 2001	Extra independent claim (2 paid)*	\$ 84.00	\$ 168.00	\$ 84.00
TOTAL				\$ 740.00

The amount of \$740.00 is enclosed in the attached check.

* On October 29, 2001, there were two extra independent claims. However, one extra had previously been paid for on April 11, 2001. Nevertheless, Applicant apparently paid for two extra on October 29, 2001, when it was only necessary to pay for the one additional extra claim. The large entity full fee is being paid herewith for both extra independent claims in order to correct the error made on October 29, 2001, as caused by Applicant. If the PTO has already reimbursed Applicant for the extra amount paid on October 29, 2001, then an additional refund may be due to Applicant of \$42.00. If a refund has not already been made, then a refund appears due to Applicant of \$84.00. All future fees paid in this application will be large entity and will be calculated based on only two extra independent claims having been previously paid for.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


Anthony J. Zelano, 27,969
Attorney/Agent for Applicants

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: PHARMA-142 P1

Date: October 24, 2002

CML RII SCL PL

SERIAL NO. 09/807.462DOCKET NO. PHARMA-142 P1FILED: April 11, 2001APPLICANT(S) Beth A. BURNSIDE et al.THE PATENT AND TRADEMARK OFFICE STAMP HEREON ACKNOWLEDGES
RECEIPT OF THE FOLLOWING PAPERS:
☐ FILED BY CERTIFICATE OF MAILING ON:☒ FEES \$ 1714.00 Check No. 26145☐ MISSING PARTS RESPONSE W/DECL.☐ AMENDMENT☒ RESPONSE ☐ ELECTION☐ NOTICE OF APPEAL☐ APPEAL BRIEF (TRIPPLICATE)☐ ASSIGNMENT☐ EXTENSION OF TIME☐ PRIORITY DOCUMENT(S)☐ VERIFIED STATEMENT(S) UNDER 37 C.F.R. 1.9 & 1.27☐ CONTINUATION PROSECUTION APPLICATION (CPA)☐ STATEMENT OF USE☐ ISSUE FEE☐ DECLARATION UNDER☒ INFORMATION DISCLOSURE☒ PTO 1449 W/ 26 REFS.☐ SHEETS OF DRAWINGS☐ COPY OF MISSING PARTS☐ RENEWAL APPLICATION☐ LETTER TO DRAFTSMAN☐ STATUS INQUIRY☐ APPLICATION DATA SHEETOTHER REQUEST FOR EXCUSE OF ERROR IN SMALL ENTITY STATUS PAYMENT UNDER
35 C.F.R. 1.28(c)

Initials: AJZ:jr

Dkt'd 10/24/02-LP
Date Filed: October 24, 2002

F A C S I M I L E	
Date: December 13, 2002	From: Anthony J. Zelano MILLEN, WHITE, ZELANO & BRANIGAN, P.C. Arlington Courthouse Plaza I 2200 Clarendon Blvd., Suite 1400 Arlington, VA 22201 (U.S.A.) (Fax: 703-243-6410)
To: Examiner Berman U.S. Patent and Trademark Office Group Art Unit: 1617	Writer's Direct Dial. (703) 243-6333 Writer's Internet Address: zelano@mwzb.com
Facsimile No.: (703) 308-7922	
Telephone No.	
Re: U.S. Appl. No.: 09/807,462 Inventor: Beth A. BURNSIDE et al. Attorney Docket No.: PHARMA-142 P1	
Total No. of Pages: ²⁵ 25; if you do not receive all pages, please call (703) 243-6333	

Dear Examiner Berman:

Thank you for checking. The copies we discussed are enclosed.

Anthony J. Zelano

AJZ

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PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 974.00**Complete if Known**

Application Number	09/807,462
Filing Date	April 11, 2001
First Named Inventor	Bern A. BURNSIDE et al.
Examiner Name	Alyssa Berman
Group / Art Unit	1617
Attorney Docket No.	Pharma-142 P1

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																													
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:	3. ADDITIONAL FEES																														
Deposit Account Number: 13-3402	Large Entry Fee Code (\$)	Small Entry Fee Code (\$)	Fee Description																												
Deposit Account Name: Milten, White, Zelano & Branigan, P.C.	105 130	205 65	Surcharge - late filing fee or oath																												
<input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17	127 50	227 25	Surcharge - late provisional filing fee or cover sheet																												
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	139 130	139 130	Non-English specification																												
2. <input checked="" type="checkbox"/> Payment Enclosed	147 2,520	147 2,520	For filing a request for reexamination																												
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other	112 820	112 820	Requesting publication of SIR prior to Examiner action																												
	113 1,840	113 1,840	Requesting publication of SIR after Examiner action																												
	115 110	215 55	Extension for reply within first month																												
	116 400	215 200	Extension for reply within second month																												
	117 820	217 460	Extension for reply within third month																												
	118 1,440	218 720	Extension for reply within fourth month																												
	128 1,980	228 980	Extension for reply within fifth month																												
	119 320	219 160	Notice of Appeal																												
	120 320	220 160	Filing a brief in support of an appeal																												
	121 280	221 140	Request for oral hearing																												
	138 1,310	138 1,310	Petition to institute a public use proceeding																												
	140 110	240 55	Petition to revive - unavoidable																												
	141 1,280	241 640	Petition to revive - unintentional																												
	142 1,280	242 640	Utility issue fee (or reissue)																												
	143 460	243 230	Design issue fee																												
	144 520	244 310	Plant issue fee																												
	122 130	122 130	Petitions to the Commissioner																												
	123 130	123 130	Petitions related to provisional applications																												
	126 180	126 180	Submission of Information Disclosure Stmt																												
	581 40	581 40	Recording each patent assignment per property (times number of properties)																												
	146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))																												
	149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))																												
	179 740	279 370	Request for Continued Examination (RCE)																												
	169 900	169 900	Request for expedited examination or a design application																												
	Other fee (specify) _____																														
1. BASIC FILING FEE <table border="1"> <thead> <tr> <th>Large Fee Code (\$)</th> <th>Small Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>101 740</td> <td>201 370</td> <td>Utility filing fee</td> <td></td> </tr> <tr> <td>106 330</td> <td>206 165</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>107 510</td> <td>207 255</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>108 740</td> <td>208 370</td> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>114 160</td> <td>214 80</td> <td>Provisional filing fee</td> <td></td> </tr> <tr> <td colspan="3">SUBTOTAL (1)</td> <td>(\$) 0</td> </tr> </tbody> </table>		Large Fee Code (\$)	Small Fee Code (\$)	Fee Description	Fee Paid	101 740	201 370	Utility filing fee		106 330	206 165	Design filing fee		107 510	207 255	Plant filing fee		108 740	208 370	Reissue filing fee		114 160	214 80	Provisional filing fee		SUBTOTAL (1)			(\$) 0		
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2. EXTRA CLAIM FEES <table border="1"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>68</td> <td>38</td> <td>18</td> <td>684</td> </tr> <tr> <td>Independent Claims</td> <td>5</td> <td>0</td> <td>0</td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> <td>0</td> </tr> </tbody> </table>		Total Claims	Extra Claims	Fee from below	Fee Paid	68	38	18	684	Independent Claims	5	0	0	Multiple Dependent			0														
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Reduction by Basic Filing Fee Paid		SUBTOTAL (3) (\$) 235.00																													

**or number previously paid, if greater. For Reissues, see above

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Anthony J. Zelano	Registration No. Attorney/Agent	27,969
Signature		Telephone	(703) 812-5333
		Date	October 24, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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